

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF  
PUERTO RICO,

Debtor.

PROMESA

Title III

No. 17 BK 3566-LTS

**DECLARATION OF MADHU POCHA, ESQ. IN SUPPORT OF THE GOVERNMENT  
PARTIES' INFORMATIVE MOTION REGARDING THE COURT'S MAY 6, 2019  
ORDER [ECF NO. 493] IN CONNECTION WITH THE MOTION OF CERTAIN  
SECURED CREDITORS OF THE EMPLOYEES RETIREMENT SYSTEM OF THE  
GOVERNMENT OF THE COMMONWEALTH OF PUERTO RICO  
FOR RELIEF FROM THE AUTOMATIC STAY**

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

I, Madhu Pocha, state and declare as follows:

1. I am an attorney at the law firm of O'Melveny & Myers LLP, in its office located at 1999 Avenue of the Stars, 8th Floor, Los Angeles, CA 90067. I am a member in good standing of the Bar of California and admitted *pro hac vice* in this proceeding. I submit this declaration in support of the Informative Motion filed on behalf of AAFAF, ERS, and the Commonwealth in response to the Court's May 6, 2019 Order regarding Movants' Motion to Compel Production of Documents in Privilege Log Categories 1 to 4 and Movants' Motion to Compel Production of Documents in Privilege Log Categories 1, 5 to 7.<sup>2</sup> Unless otherwise specified, I have personal knowledge of the matters stated herein.

2. It is my understanding that the Court has requested additional detail regarding Elías Sánchez Sifonte's tenure as a government advisor and whether any communications were withheld after his government role ended. According to publicly available information, Mr. Sánchez served as Governor Ricardo Rosselló's non-voting representative on the Oversight Board from January 2, 2017,<sup>3</sup> to July 20, 2017, when Mr. Christian Sobrino replaced him in that role.<sup>4</sup>

3. All the privileged communications with Mr. Sánchez that the Government Parties have withheld and logged are dated between 10, 2017, to July 18, 2017, which is within the January 2, 2017 to July 20, 2017 period in which Mr. Sánchez served as Governor Rosselló's advisor and non-voting representative on the Oversight Board for all PROMESA-related matters.

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<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning ascribed to them in the Oppositions to the Motions to Compel.

<sup>3</sup> Mr. Sánchez's January 2, 2017 appointment is reflected in his February 28, 2017 Financial Disclosure, available on the Oversight Board's website at <https://drive.google.com/file/d/1HrWeNeojmT6T1xWLIeG11eJTkFHnswtD/view>.

<sup>4</sup> Mr. Sánchez's resignation and Mr. Sobrino's appointment were publicly announced in press releases by the Governor on July 20, 2017, available on Fortaleza's website at <https://www.fortaleza.pr.gov/content/governor-puerto-rico-ricardo-rossell-acknowledges-former-representative-fiscal-oversight> and <https://www.fortaleza.pr.gov/content/gobernador-rossell-nevares-agradece-y-valora-la-gesti-n-realizada-por-el-licenciado-el-s>.

4. The Court also requested that the Government Parties provide an individual-entry log for any documents listed on the April 12, 2019 categorical log withheld solely on attorney work product grounds. We have confirmed that there are no such documents.

5. The Court also requested an individual-entry log for the documents withheld in Category 3 of the Government Parties' April 12, 2019 categorical log. A copy of the individual-entry log is attached as Exhibit 1. Attached as Exhibit 2 is an updated Appendix to the Government Parties' privilege logs, adding two names: Carmen McConnie (AAFAF) and Noemi Rivera Rondón (ERS).

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 9, 2019, in Los Angeles, California.

/s/ Madhu Pocha

Madhu Pocha